

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

RE:

**MICHAEL DAVID SCOTT,
Debtor.**

**THE BANK OF NEW YORK
MELLON TRUST COMPANY,
N.A., AS SUCCESSOR-IN-
INTEREST TO ALL PERMITTED
SUCCESSORS AND ASSIGNS OF
JPMORGAN CHASE BANK N.A.
AS TRUSTEE, FOR
CERTIFICATEHOLDERS OF
NOMURA ASSET ACCEPTANCE
CORPORATION, MORTGAGE
PASS-THROUGH
CERTIFICATES, SERIES 2005-
AR2,**

Movant,

-vs-

**MICHAEL DAVID SCOTT, aka
THE CRAWFORD GROUP LLC
aka MACAUALY FAMILY
REALTY TRUST,**

AND

**JAMES R. WALSH, ESQUIRE
(TRUSTEE),**

Respondents.

) Bankruptcy No. 17-70045-JAD

) Chapter 7

X

) Doc. No.

) Related to Doc. Nos. 220, 437, 455

ORDER DIRECTING MOVANT TO COMPLY WITH DISCOVERY RULES

AND NOW, this Court having received the Debtor's *Motion to Amend Order Dated September 5, 2017*, (ECF No. 437), and the response of The Bank of New York Mellon Trust Company, N.A., as Successor-In-Interest to all Permitted Successors and Assigns of JPMorgan Chase Bank N.A. as Trustee, for Certificateholders of Nomura Asset Acceptance Corporation, Mortgage Pass-Through Certificates, Series 2005-AR2 ("Creditor") (ECF No. 460), held a hearing on December 15, 2017. During the hearing, it became clear that the Creditor was not complying with Fed.R.Bankr.P. 9014(c), regarding the application of, among other Federal Rules of Civil Procedure, those related to discovery. Accordingly,

IT IS HEREBY ORDERED the Creditor shall produce each document requested by the Debtor in his letter dated September 8, 2017 (ECF No. 437-2), to the Debtor, in paper form, and for receipt by the Debtor not later than **January 5, 2018**. If any document is not so produced, then in compliance with the Federal Rules of Civil Procedure made applicable in this contested matter by Fed.R.Bankr.P. 9014(c), the Creditor shall explain, in writing, for each document the Creditor is not producing, why the Creditor is not producing the document requested, together with an affidavit of the Creditor, and an affidavit of the Creditor's counsel, as to what steps were taken to locate the document requested (collectively referred to herein as the Creditor's Response to the Discovery Request.") The Creditor's Response to the Discovery Request shall also identify each document that was provided to the Debtor by January 5, 2018. The

Creditor's Response to the Discovery Request shall be served on the parties and filed by **January 10, 2018**.

IT IS FURTHER ORDERED this Court's *Amended Order Scheduling Evidentiary Hearing*, dated November 22, 2017 (ECF No. 455), is modified as follows:

1. The evidentiary hearing scheduled for **Thursday, January 25, 2018**, in **Courtroom B**, First Floor, Penn Traffic Building, 319 Washington Street, Johnstown, PA 15901, **is hereby rescheduled to Friday, February 9, 2018, at 11:00 A.M., in Courtroom B, First Floor, Penn Traffic Building, 319 Washington Street, Johnstown, PA 15901.**
2. All **exhibits** to be offered **by the Debtor** as evidence at the Evidentiary Hearing are to be submitted to the Court in a binder, with an index, and each exhibit separately marked and tabbed, and delivered to Judge Deller's Chambers, 54th Floor, USX Tower, Pittsburgh PA, 15219, prior to **January 25, 2018**, and contemporaneously served on the other parties to this matter.
3. The Debtor shall file a list of the witnesses he intend to call, which list must be filed with the Court prior to **January 25, 2018**, labeled as "Witness List for Evidentiary Hearing Relating to Motion Filed at ECF No. 220," and contemporaneously served on the other parties to this matter.

4. The remainder of this Court's Order of November 22, 2017 (ECF
No. 455), remains effective and not modified herein.

IT IS SO ORDERED.

Date: December 15, 2017

/s/ Jeffery A. Deller

Jeffery A. Deller

Chief, US Bankruptcy Judge

cc: **Case Administrator to Serve:**

Michael David Scott, via regular mail and via email, attention
khite@bop.gov
Chapter 7 Trustee
James A. Protsko, Esquire

FILED
12/15/17 3:05 pm
CLERK
U.S. BANKRUPTCY
COURT - WDPA

In re:
Michael David Scott
DebtorCase No. 17-70045-JAD
Chapter 7

CERTIFICATE OF NOTICE

District/off: 0315-7

User: gamr
Form ID: pdf900Page 1 of 2
Total Noticed: 1

Date Rcvd: Dec 15, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 17, 2017.

db +Michael David Scott, 772 Saint Joseph St., c/o FCI Loretto, Loretto, PA 15940-7006

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE.

TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Dec 17, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 15, 2017 at the address(es) listed below:

Brett L. Messinger on behalf of Defendant US Bank National Association as Trustee
blmessinger@duanemorris.com, LMTryon@duanemorris.com

Brett L. Messinger on behalf of Creditor US Bank National Association as Trustee for Credit
Suisse First Boston Mortgage Securities Corp. Mortgage Backed Pass Through Certificates Series
2004-AR-7 and Ocwen Loan Servicing, LLC blmessinger@duanemorris.com, LMTryon@duanemorris.com

Brett L. Messinger on behalf of Defendant Ocwen Loan Servicing LLC
blmessinger@duanemorris.com, LMTryon@duanemorris.com

Brett L. Messinger on behalf of Defendant U S Bank National Associates as Trustee For Credit
Suisse First Boston Mortgage Securities Corp blmessinger@duanemorris.com,
LMTryon@duanemorris.com

Brett L. Messinger on behalf of Creditor U.S. Bank, National Association as Trustee Under the
Pooling and Servicing Agreement Dated as of May 1, 2006, GSAMP Trust 2006-HE3 Mortgage
Pass-Through Certificates Series 2006-HE3 and Ocwen Loan Ser blmessinger@duanemorris.com,
LMTryon@duanemorris.com

Denver E. Wharton on behalf of Creditor Khanda, LLC dew@ktwllaw.com,
r42123@notify.bestcase.com

Heather A. Sprague on Behalf of the United States Trustee by on behalf of U.S. Trustee
Office of the United States Trustee Heather.Sprague@usdoj.gov

James Warmbrodt on behalf of Creditor BANK OF AMERICA, N.A. bkgroup@kmlawgroup.com

James A. Prostko on behalf of Creditor U.S. Bank, National Association, as Trustee, et al...
pawb@fedphe.com, james.prostko@phelanhallinan.com

James A. Prostko on behalf of Creditor The Bank Of New York Mellon Trust Company, N.A., et.
al. pawb@fedphe.com, james.prostko@phelanhallinan.com

James A. Prostko on behalf of Attorney James A. Prostko pawb@fedphe.com,
james.prostko@phelanhallinan.com

James R. Walsh jwalsh@spencecuster.com,
trustee@spencecuster.com;kpetak@spencecuster.com;rsnyder@spencecuster.com;skosis@spencecuster.com
;mskunta@spencecuster.com;jwalsh@ecf.epiqsystems.com;gbivens@spencecuster.com

James R. Walsh on behalf of Trustee James R. Walsh jwalsh@spencecuster.com,
trustee@spencecuster.com;kpetak@spencecuster.com;rsnyder@spencecuster.com;skosis@spencecuster.com
;mskunta@spencecuster.com;jwalsh@ecf.epiqsystems.com;gbivens@spencecuster.com

Jeremy J. Kobeski on behalf of Creditor The Bank Of New York Mellon Trust Company, N.A., et.
al. pawb@fedphe.com

Jill Locnikar on behalf of Creditor United states of america jill.locnikar@usdoj.gov,
patricia.fitzgerald@usdoj.gov;deborah.verrilla@usdoj.gov;caseview.ecf@usdoj.gov

Jill Locnikar on behalf of Defendant United States Department of Justice, et al.
jill.locnikar@usdoj.gov,
patricia.fitzgerald@usdoj.gov;deborah.verrilla@usdoj.gov;caseview.ecf@usdoj.gov

Jill Locnikar on behalf of Defendant U.S Department of Education jill.locnikar@usdoj.gov,
patricia.fitzgerald@usdoj.gov;deborah.verrilla@usdoj.gov;caseview.ecf@usdoj.gov

Jonathan W. Chatham on behalf of Creditor PA Dept of Revenue RA-occbankruptcy7@pa.gov

Jonathan W. Chatham on behalf of Attorney PA Dept of Revenue RA-occbankruptcy7@pa.gov

District/off: 0315-7

User: gamr
Form ID: pdf900

Page 2 of 2
Total Noticed: 1

Date Rcvd: Dec 15, 2017

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system (continued)

Kevin J. Petak on behalf of Trustee James R Walsh kpetak@spencecuster.com,
mskunta@spencecuster.com;skosis@spencecuster.com;rsnyder@spencecuster.com;gbivens@spencecuster.co
m
Kevin J. Petak on behalf of Interested Party James R Walsh kpetak@spencecuster.com,
mskunta@spencecuster.com;skosis@spencecuster.com;rsnyder@spencecuster.com;gbivens@spencecuster.co
m
Kevin J. Petak on behalf of Trustee James R. Walsh kpetak@spencecuster.com,
mskunta@spencecuster.com;skosis@spencecuster.com;rsnyder@spencecuster.com;gbivens@spencecuster.co
m
Kevin Scott Frankel on behalf of Defendant Korde & Associates P C pabk@logs.com
Kristen D. Little on behalf of Defendant Korde & Associates P C pabk@logs.com
Kunal Janak Choksi on behalf of Defendant Internal Revenue Service kunal.j.choksi@usdoj.gov
Leonard P. Vigna on behalf of Creditor Tufts Investments, LLC lpv@ktwllaw.com,
ams@ktwllaw.com;r42123@notify.bestcase.com
Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov
Ronald E. Reitz on behalf of Creditor ROSE AKE rreitz@margolisedelstein.com
Ronald E. Reitz on behalf of Plaintiff BONABERI CORPORATION rreitz@margolisedelstein.com
Ronald E. Reitz on behalf of Creditor BONABERI CORPORATION rreitz@margolisedelstein.com
Ronald E. Reitz on behalf of Plaintiff ROSE AKE rreitz@margolisedelstein.com
Stephen G. Murphy on behalf of Defendant The Commonwealth of Massachusetts
murphys@dor.state.ma.us
Stephen G. Murphy on behalf of Creditor Massachusetts Department of Revenue
murphys@dor.state.ma.us
Stephen G. Murphy on behalf of Defendant Commonwealth of Massachusetts murphys@dor.state.ma.us
William E. Miller on behalf of Defendant US Bank National Association as Trustee
wmiller@sterneisenberg.com, bkecf@sterneisenberg.com
William E. Miller on behalf of Creditor U.S. Bank, National Association As Trustee For et al.
wmiller@sterneisenberg.com, bkecf@sterneisenberg.com
William E. Miller on behalf of Creditor U.S. Bank, National Association as Trustee Under the
Pooling and Servicing Agreement Dated as of May 1, 2006, GSAMP Trust 2006-HE3 Mortgage
Pass-Trough Certificates Series 2006-HE3 C/O Phelan Hallinan wmiller@sterneisenberg.com,
bkecf@sterneisenberg.com

TOTAL: 37